

**ALABAMA UNEMPLOYMENT
COMPENSATION**

**BENEFIT RIGHTS AND
RESPONSIBILITIES**

**A HANDBOOK FOR

ALABAMA UNEMPLOYMENT
COMPENSATION CLAIMANTS**

**IMPORTANT INFORMATION
PLEASE READ AND KEEP FOR FUTURE REFERENCE**

INTRODUCTION

This handbook has been prepared to explain the Unemployment Compensation program and answer many questions you may have. It does not take the place of the Alabama Unemployment Compensation Law.

Your responsibility for meeting the Alabama unemployment compensation benefit requirements begins when your claim is filed. **Please read and familiarize yourself with the contents of this handbook and ask questions about anything that you do not understand. This handbook contains valuable information, which will assist you in every phase of filing for and receiving unemployment benefits.**

The Alabama Department of Labor Unemployment Compensation Division does not discriminate on the basis of a disability in the provision of services or employment. If you need this material interpreted, in a different form, or if you need assistance in using our service, please contact us.

TABLE OF CONTENTS

YOUR UNEMPLOYMENT CLAIM RECORD

Your Social Security Number
Disclosure of Information
Change of Address
Income Tax Withholding

YOUR UNEMPLOYMENT COMPENSATION CLAIM

What is Unemployment Compensation?
The Unemployment Compensation Trust Fund
Qualifying for Benefits
Computing Monetary Eligibility
Work Performed Outside the State of Alabama During the Base Period

CONDITIONS FOR ELIGIBILITY

What is an Eligibility Issue?
Separation Eligibility Issues
Non-Separation Eligibility Issues
Employment Service Registration
Work Search Requirements

SPECIAL PROGRAM CLAIMS

Military Employment
Federal Employment
Educational Employment
Trade Act Benefits
Alternative Trade Adjustment Assistance
Health Coverage Tax Credit
Disaster Unemployment Assistance
Extended Benefits
Employer Filed Claims

FILING A CLAIM FOR UNEMPLOYMENT COMPENSATION

Filing a Claim Application
Preparing for the Claim
How To File by Telephone
How Long to Establish a Claim

TABLE OF CONTENTS (continued)

WEEKLY CLAIM CERTIFICATIONS

Filing Your Weekly Claim Certification

How to File Your Weekly Certification

Benefit Payment Options

What to Do if You Return to Work

What to Do if You Move or Go Out of Town

What to Do If You Return to Work and Become Unemployed Again

Lost or Stolen Payments

FRAUD DETECTION

Fraud Detection Programs

Penalties for Fraud

Overpayment of Benefits

Waiver of Repayment of Overpayment

APPEALS

Notice of Hearing

Hearing Procedure

Evidence and Affidavits

Attendance of Witnesses and Subpoenas

The Appeals Decision

The Board of Appeals

Circuit Court

EQUAL OPPORTUNITY IS THE LAW

What to Do If You Believe You Have Experienced Discrimination

WEEKLY CERTIFICATION LOCAL NUMBERS AND LOCATIONS

WAITING WEEK INFORMATION

DEBIT CARD FEES

PART ONE:
YOUR UNEMPLOYMENT CLAIM RECORD

YOUR SOCIAL SECURITY NUMBER

The Unemployment Compensation Division can process your claim only if you provide your social security number. We use your social security number to verify your identity, to locate your employer(s) and your wages, to determine other income, to determine eligibility, to keep records of your benefit payments, and to gather statistics. The authority to require your social security number is found under the Internal Revenue Code of 1954, and the Code of Alabama, 1975.

**DISCLOSURE OF INFORMATION AND REQUESTS FOR YOUR
INFORMATION**

Your claim information is considered confidential, but the law and various regulations permit us to report your unemployment income to the Internal Revenue Service, the Alabama Department of Revenue, and other governmental agencies without your consent.

You can access your claims' payment history information on our website at www.labor.alabama.gov. You may also request a copy of your unemployment claim profile, base period wages, your unemployment payment history, your registration with the Employment Service, etc. by sending a written notarized request using either a plain sheet of paper or the Information Disclosure Form, "Form 480". Each request must include a \$10.00 money order (price subject to change). You may print a copy of the Information Disclosure Form from our website at www.labor.alabama.gov by opening "downloads", then selecting "forms" and then selecting "Information Disclosure Request by an Individual, Form 480". The completed letter or form and the money order should be mailed to:

ATTN: Central Cashier
ADOL
649 Monroe Street, Room 2684
Montgomery, Alabama 36131-0001

CHANGE OF ADDRESS

If you have a change of address following the filing of your claim, please be sure to immediately change your address on our website at www.labor.alabama.gov or through the *Call Center Inquiry Line, 800-361-4524*. This will ensure that payments and all other correspondence are forwarded to your correct address.

You should always notify the U. S. Post Office located nearest you of your change of address. However, it is your responsibility to keep the Unemployment Compensation Division informed of your correct mailing address.

INCOME TAX WITHHOLDING

Unemployment compensation benefits are taxable income. Each year all of your unemployment benefit payments are reported to the Internal Revenue Service and to the Alabama Department of Revenue.

You can request to have federal income taxes withheld from your unemployment benefit payments. If you elect to have federal tax withheld, your weekly benefits will be reduced by 10 percent (10%). You will be given the option to change your withholding status only once during your claim year. We will mail a Statement of Benefits, **Form 1099-G**, to your last address of record no later than January 31st of each year following a year in which you received benefits.

PART TWO: YOUR UNEMPLOYMENT COMPENSATION CLAIM

WHAT IS UNEMPLOYMENT COMPENSATION?

The Unemployment Compensation Division pays unemployment benefits to workers who are either unemployed or working reduced hours, through no fault of their own. Not everyone who applies for unemployment benefits will qualify. Certain conditions must be met in order to meet initial eligibility requirements and to remain eligible to receive benefits.

THE UNEMPLOYMENT COMPENSATION TRUST FUND

The unemployment compensation program is financed by employer taxes. Most employers pay federal and state unemployment taxes. **Employees do not pay any unemployment compensation taxes on wages earned.**

Unemployment tax is paid by employers on the first \$8,000.00 of their workers' gross earnings during a tax year. These are called insured wages. Quarterly state tax payments are deposited into the Unemployment Compensation Trust Fund and used solely for the payment of unemployment compensation benefits to eligible claimants.

Not all employers are required to pay the unemployment compensation tax. Some employers elect to reimburse the Unemployment Compensation Trust Fund the

amount of benefits paid to their workers on a dollar-for-dollar basis.

QUALIFYING FOR BENEFITS

There will be at least two determinations made on your claim. The first determination is the monetary determination. The monetary determination will tell you if you have earned enough wages to qualify for unemployment benefits.

1. The monetary determination will indicate:

- a. wages paid to you by your employer(s) within the base period quarters. (The base period is explained further under the section, *Computing Monetary Eligibility* of this handbook), and
- b. your maximum and weekly benefit amount, if you qualify.

Be sure to review your monetary determination carefully! Notify the call center inquiry line if there appears to be any missing or incorrectly reported wages. Proof of wages, such as a W-2 form, pay stubs, or a letter from your employer, may be required to correct your wage record.

If you have wages from another state, military or federal wages, school-related wages, or if some of your Alabama wages are missing or require an investigation, you may be issued another monetary determination after these additional wages are recorded.

2. A second determination will be made regarding the reason you were separated from your last employer.

If no disqualification is assessed on your claim, you will receive unemployment benefits for any weekly certifications you filed, provided there were no questions regarding your eligibility.

If a disqualification is assessed, you will receive a written decision notifying you that benefits were either reduced, suspended, or denied for any length of time because of your most recent job separation.

COMPUTING MONETARY ELIGIBILITY

You must have insured wages in at least two quarters of your base period in order to qualify for unemployment benefits. The following definitions and charts will help you understand how it is determined if you have enough wages to qualify for

benefits and will explain how your weekly and maximum benefit amounts are calculated:

CALENDAR QUARTERS: The four calendar quarters of the year are as follows:

- 1st Qtr: January 1 - March 31
- 2nd Qtr: April 1 - June 30
- 3rd Qtr: July 1 - September 30
- 4th Qtr: October 1 - December 31

BASE PERIOD: The base period is the first four of the last five completed calendar quarters before the week you call to file an initial claim application for a new benefit year. Wages paid to you during your base period are used to determine if you have enough wages to qualify for a claim and to calculate how much you can be paid in benefits.

The chart below will help you to understand how the calendar quarters in a base period are determined. To determine your base period, find the month in the far right row in which you filed your claim. The four shaded quarters in the same row across to the left are the base period quarters of your claim. PLEASE REMEMBER: A benefit year is dated effective the Sunday beginning the week in which you file.

IF YOU FILE YOUR CLAIM (AFTER THE FIRST SUNDAY) IN:



OCT.	JAN.	APR.	JUL.		JAN.
NOV.	FEB.	MAY	AUG.		FEB.
DEC.	MAR.	JUN.	SEP.		MAR.
JAN.	APR.	JUL.	OCT.		APR.
FEB.	MAY	AUG.	NOV.		MAY
MAR.	JUN.	SEP.	DEC.		JUN.
APR.	JUL.	OCT.	JAN.		JUL.
MAY	AUG.	NOV.	FEB.		AUG.
JUN.	SEP.	DEC.	MAR.		SEP.
JUL.	OCT.	JAN.	APR.		OCT.
AUG.	NOV.	FEB.	MAY		NOV.
SEP.	DEC.	MAR.	JUN.		DEC.

← **BASE PERIOD** →

HIGH QUARTER: Your high quarter is the base period quarter during which you were paid the highest amount of wages from covered employment. The average earnings of your two highest base period quarters must equal to at least the minimum amount specified by law. Your total base period wages must equal or exceed 1½ times your high quarter earnings in order to be eligible for unemployment benefits.

COVERED AND INSURED EMPLOYMENT: Covered employment is work performed for an employer who is subject to the Alabama Unemployment Compensation Law. Only wages paid from covered employment can be used to qualify for unemployment benefits and to calculate your monetary eligibility. Some work, however, can be excluded (or not covered) by law, even when performed for a covered employer.

BENEFIT YEAR: A benefit year is the 52-week period during which you can claim benefits, beginning with the week you file your initial claim. The maximum benefit amount that you will be able to draw during that year is the amount equal to a maximum of 26 weeks or fewer.

You can stop claiming weekly benefits during your benefit year as many times as you want or need; however, once your unemployment benefits are exhausted or your benefit year has expired, no other benefits on that claim will be payable. Your benefit year will expire one year from the date of your initial claim. Once your benefit year expires, you can file a new initial claim application.

Unless an extended benefits period is in effect, to be eligible to draw benefits on another new initial claim application, you must have sufficient base period wages. You must also have worked and earned at least eight (8) times your previous weekly unemployment benefit amount since the effective date of a prior benefit year claim.

WAITING WEEK: A waiting week is a one week period that will not be paid on your claim. The waiting week will not be deducted from your claim balance. For all claims effective on or after August 1, 2012, the waiting week will change from the 14th compensable week to the 1st compensable week of a claim. Although the waiting week will not be paid, the week must meet the requirements of being otherwise payable.

WORK PERFORMED OUTSIDE THE STATE OF ALABAMA DURING THE BASE PERIOD

Wages earned in other states during the base period may be used in combination with your Alabama wages to determine your eligibility. **If you have worked in another state during the base period, be sure to advise a claims specialist when filing your claim or through the *Call Center Inquiry Line*, 800-361-4524.** You may file an interstate claim on wages earned and reported to another state, the District of Columbia, Puerto Rico, Canada, or the Virgin Islands. To file an interstate claim, you may call the toll-free number, **866-234-5382**, discussed in the *Unemployment Compensation Call Centers* section of this handbook.

You will be required to furnish the names and addresses of all employers you worked for during the base period and the dates you were employed with them. If you have filed a claim against another state that does not file by telephone within the last 12 months, Alabama will notify that state to reopen that claim, unless your benefits from that state are exhausted, terminated or postponed for an indefinite period of time.

The state where your wages were earned and against which you are filing your claim will make the decision as to whether you qualify for unemployment benefits. You will be subject to all the eligibility requirements of that state. Each state's unemployment compensation law and procedure for filing may vary.

PART THREE: CONDITIONS FOR ELIGIBILITY

WHAT IS AN ELIGIBILITY ISSUE?

An eligibility issue is any information or set of circumstances, discovered during or after your benefit year that can raise a legal question about whether you should be paid unemployment benefits.

There are two types of eligibility issues: **separation** and **non-separation** eligibility issues. The Department must investigate all relevant eligibility issues that apply to your claim before and while paying benefits. A fact-finding interview will be conducted to determine if you are eligible for benefits. An eligibility issue can reduce, suspend, or deny your benefits under the Alabama Unemployment Compensation Law.

SEPARATION ELIGIBILITY ISSUES

A form will be mailed to your most recent employer to notify them that you have

filed a claim for unemployment benefits. This form will request information about why you are no longer employed. Although information about your job separation is obtained from you at the time you file your telephone claim, it may be necessary that we contact you again, once a response is received from your employer. Before a decision can be made on your claim, it is necessary that the Department have a clear understanding of the circumstances under which you became unemployed. Circumstances regarding your separation from your last employer can affect whether or not you can draw benefits.

The Alabama Unemployment Compensation Law provides for a delay or disqualification from receipt of benefits if:

- 1. you voluntarily quit your job without a good cause connected with the work.** Personal reasons, such as a lack of transportation, moving to another town, etc., are not considered good work connected causes for quitting a job.
- 2. you were discharged from your job for misconduct in connection with the work.** Failure to obey an employer's work rules and policies, such as, being late or absent (whether unexcused or excessive), endangering the safety of others, disregarding orders or instructions, committing a dishonest or criminal act, etc., are considered good causes for an employer to discharge an employee. The seriousness of the misconduct, whether or not prior warnings were given, and/or if steps were taken to correct the behavior prior to the discharge will determine the severity of the effect on one's benefits.

Example: An individual discharged from their job for committing a dishonest or criminal act could result in a disqualification that requires wages reported by that employer be removed from the individual's base period wage file.

- 3. you become unemployed due to a work stoppage resulting from a labor dispute.** In general, individuals are disqualified for the week(s) they are unemployed due to a work stoppage resulting from a labor dispute.

NON-SEPARATION ELIGIBILITY ISSUES

Other requirements for remaining eligible to receive unemployment benefits include:

- 1. You must be available for work during each week that you wish to draw benefits.** You must be able, seeking, and willing to immediately accept full-time work, during the hours, days and shifts normally worked in the trade or industry

for which your training and/or experience qualifies you. You are not eligible to file a claim if you reside outside the United States.

2. You must be able to work to qualify for benefits. If sickness or injury prevents you from working on a job for which you are qualified based on your past experience and/or training, benefits can be denied until such time that you can provide proof that you are able to work.

3. You must participate in or report to fact-finding interviews, profile interviews, eligibility reviews, and register with the Employment Service, as instructed. If you fail to take part or report, as instructed, to a call-in notice to a One Stop Career Center or Employment Service Office, or for a fact-finding or eligibility review interview, benefits can be denied.

While receiving unemployment benefits, you may be selected to participate in an eligibility review interview. When you make your telephone call to file your weekly claim certification, you may be instructed to answer eligibility questions. This eligibility review interview will be conducted prior to filing your weekly claim certification.

4. You must make an active search for work each week that you wish to receive benefits. This will require that you do all that is reasonable to secure employment as discussed in the “*Work Search Requirements*” section of this handbook.

5. You must not refuse any offer of suitable work. Your benefits can be delayed from one (1) to ten (10) weeks if you fail to respond to a call-in notice from the Employment Service Office or One Stop Career Center regarding a possible job referral. If you refuse a referral to a job, if you fail to keep an appointment with a prospective employer, or if you refuse suitable work from an employer, your benefits can be delayed or denied.

Suitability is determined based upon your past training and experience, the details of the job, and by the local labor market. Any job referral or refusal must be immediately reported through the *Call Center Inquiry Line*.

6. You must immediately report the receipt of any income through the *Call Center Inquiry Line*, 800-361-4524. You must follow the instructions discussed further in the *How to File Your Weekly Claim* section of this handbook. Certain types of payments such as wages, vacation pay, holiday pay, workers’

compensation pay, sick pay, etc., may be disqualifying or deductible.

7. If you are not a citizen of the United States, you must provide your alien registration number as documentation of your permission to work in the United States. Your alien registration number will be verified with the U.S. Citizenship and Immigration Service (UCCIS). If the USCIS indicates that you do not have authorization to work in the United States, unemployment benefits cannot be paid to you. An unemployment claim cannot be established using any wages you earned before you had authorization to work.

8. If you attend GED classes, a college, or a vocational school, you may be able to draw benefits as long as you make yourself fully available for any suitable work, even if it means changing the hours of your classes or quitting school. If you are a regular, full-time student, attending high school, you will be disqualified from receiving benefits until you are no longer attending high school.

9. If you are enrolled in training approved by this Department, you must remain enrolled and make satisfactory progress in completing your approved course of training. As long as you remain enrolled and are making satisfactory progress, it will have no effect on your benefits. You can ask about available training courses and enrollment qualifications at your local One Stop Career Center or Employment Service Office.

Generally, failure to meet the above requirements will result in a written determination on your claim.

In some instances such as deduction of earnings, no written notice is required; however, you have the right to protest or request redetermination of any reduction or denial of benefits.

EMPLOYMENT SERVICE REGISTRATION

If you are an Alabama resident, your unemployment claim application also registers you with the Alabama State Employment Service office. Your Employment Service application will remain active for at least 90 days.

You will be required to keep your Employment Service application active during the weeks you draw unemployment benefits. You can update or obtain information regarding your Employment Service application on the Internet at www.joblink.alabama.gov.

If you are an Alabama claimant residing and seeking work in another state, you must register for work and maintain an active registration with the Employment Service office in your local area

WORK SEARCH REQUIREMENTS

Unless otherwise instructed, you will be required to make an active search for work. You must make a reasonable and active search for work through customary means for your occupation. You must keep a list of the job contacts you make. Failure to provide evidence of an adequate work search can result in a loss of benefits.

The following guidelines will assist you in making a reasonable and active work search:

1. Apply each week with employers who hire people with your experience, training, or skills. Your contacts should include former employers if you have reason to believe that there is some chance that you may be rehired.
2. Contact employers during hours of the day and days of the week when hiring is normally done.
3. Generally, the most successful contacts are made in-person. Under certain circumstances, however, telephone calls and resumes may be acceptable, depending on the standard job seeking practices within your particular occupation.
4. Apply to the person who has authority to hire. File written applications for work whenever you have the chance.
5. Apply for work for which you are qualified, within the normal commuting distance of your place of residence.
6. Maintain a record of the contacts that you make, listing the name of the company, the name, title and telephone number of the person with whom you spoke, the date of the contact and the type of contact (in-person, resume, email, telephone, etc).

PART FOUR: SPECIAL PROGRAM CLAIMS

MILITARY EMPLOYMENT

You may file a claim based on your separation or release from active military duty. It will be necessary for you to provide your social security number and your DD-214, Member 4 copy, before your eligibility can be determined.

FEDERAL EMPLOYMENT

You may file a claim based on separation from federal civilian employment. It will be necessary for you to provide the form SF-8, SF-50, or earnings/leave statements as proof of employment.

EDUCATIONAL EMPLOYMENT

School employees with reasonable assurance of re-employment the next school year are generally denied benefits between terms and during regularly scheduled breaks. Individuals who have educational employment will receive two monetary determinations:

(1) one containing all wages reported during the base period, including school wages, and

(2) one containing all wages reported during the base period, without school wages. It may be possible for these individuals to draw a reduced benefit amount during a scheduled school break and between terms if enough wages from non-school employers were earned during the base period.

TRADE ACT PROGRAM

If you were laid off as a result of competition from imports, you may be eligible for Trade Readjustment Allowance (TRA) and other worker benefits under the Trade and Globalization Adjustment Assistance Act of 2009.

If your company is certified eligible for TRA, you will be notified by letter. You can file your TRA claim as soon as you are notified; however, weekly TRA benefits cannot be paid until your regular unemployment benefits are exhausted. To file for TRA, call the Claims Line at 866-234-5382.

Benefits may include: Relocation and job search allowances, training assistance, employment services and TRA. In order to receive TRA benefits, you must enroll in approved training or a training waiver must be granted within 8 weeks after the petition certification date or 16 weeks after your last qualifying separation. If you

are receiving TRA benefits and are not in training, you will be required to register with the Employment Service every four (4) weeks. The Employment Service Office will complete your training waiver. You will be required to make three (3) in-person employer contacts on more than one day of each week that benefits are claimed.

ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE (ATAA) PROGRAM

The Trade Act of 2002 established the ATAA program as an alternative assistance program for older workers certified eligible to apply for Trade Adjustment Assistance. The Act requires that petitioners who request that workers be certified for the ATAA program must do so at the time the petition is filed. ATAA is designed to allow TAA eligible workers for whom retraining may not be appropriate and who find reemployment to receive a wage subsidy to help bridge the salary gap between their old and new employment. To receive the ATAA benefits, workers must be TAA and ATAA certified.

Under the ATAA program, workers in an eligible worker group who are at least 50 years of age and who obtain different, full-time employment within 26 weeks of separation from adversely affected employment at wages less than those earned in the adversely-affected employment, may receive up to half of the difference between the worker's old wage and the new wage. The wage subsidy may be paid up to a maximum of \$10,000 during a two-year eligibility period. To be eligible for the ATAA program, workers may not earn more than \$50,000 per year in the new employment. In addition, the worker group must be certified as eligible to apply for TAA benefits and meet other ATAA eligibility criteria listed below. Workers who begin receiving payments under the ATAA program cannot receive other TAA benefits and services except the Health Coverage Tax Credit (HCTC).

HEALTH COVERAGE TAX CREDIT (HCTC)

The Trade Act of 2002 created a federal tax credit that covers 65 percent of the premium amount that eligible individuals pay for qualified health insurance coverage. Displaced workers certified to receive certain trade adjustment assistance (TAA) benefits and individuals receiving benefits from the Pension Benefit Guaranty Corporation (PBGC) may be eligible to claim the credit. This credit is known as the Health Coverage Tax Credit (HCTC). The Internal Revenue (IRS) is responsible for administering the HCTC program.

The Act provides two options to receive the benefit. Eligible individuals may choose to pay 100 percent of their premiums throughout the year and claim the credit when they file their federal tax return or they can have the 65 percent credit paid monthly on their behalf to their health plan administrator. Eligible individuals must pay 35 percent of their premium monthly to the HCTC program if they choose the advance payment option.

Additional information regarding HCTC is available by calling the HCTC Program Customer Contact Center's toll free phone number 1-866-628-HCTC (4282). Information is also available on the HCTC Program website: <http://www.irs.gov> (IRS keyword HCTC).

DISASTER UNEMPLOYMENT ASSISTANCE BENEFIT RIGHTS AND RESPONSIBILITIES

The major objective of the Disaster Unemployment Assistance (DUA) program is to provide assistance to individuals whose employment has been lost or interrupted as a direct result of a major disaster. A major disaster is defined as any hurricane, tornado, storm, flood, high water, tidal wave, wind- driven water, earthquake, drought, ice or fire conditions, or other catastrophes declared by the President to warrant government assistance to communities and individuals.

If you have filed a claim for Disaster Unemployment Assistance (DUA) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, a determination of your eligibility will be made and mailed to you.

GENERAL ELIGIBILITY REQUIREMENTS

In order to be eligible for DUA, you must meet the following eligibility requirements:

- An initial application for DUA must normally be filed within 30 days of the State announcement date of the availability of assistance, and
- Your unemployment must have been caused as a direct result of a major disaster declared by the President of the United States, and
- The wages used to calculate your weekly benefit amount meet the state unemployment benefit criteria, and
- Self-employed individuals must furnish documentation including the last completed year's income tax records within 21 days of filing their application to substantiate wage information used in the calculation of benefits.

CONDITIONS OF UNEMPLOYMENT AS A DIRECT RESULT OF THE MAJOR DISASTER

The following conditions of unemployment must have occurred as a direct result of the major disaster to qualify for DUA:

- No longer have a job, or
- Unable to reach the place of employment,
- Was to start work in the major disaster area and the job no longer exists or you are unable to reach the job, or
- Became the breadwinner or major support of the family because the head of household died, or
- Cannot work because of an injury incurred during the major disaster.

If you are not a citizen of the United States, you cannot be paid DUA benefits based on your service unless you were legally authorized to work in the United States at the time such services were performed.

REPORTING AND FILING REQUIREMENTS

In order to be eligible for any week of DUA, you must meet the following conditions:

- Be totally or partially unemployed, in the disaster area as a direct result of the disaster and have no entitlement to regular Unemployment Compensation benefits from the State of Alabama or any other state, unless disqualified directly due to disaster related injury.
- Continue to file claims each week.
- Be able and available for full time work each day of your claim week. This means that you must be ready, willing and able to accept suitable work and there must be no reason or circumstances – personal, physical (unless you are unable to work due to incapacitation directly caused by the major disaster), or otherwise – to keep you from looking for or taking a full time job for which you are qualified. If you are an unemployed self-employed claimant you will not be considered unavailable for work if you are engaged in activities solely for the purpose of resuming self-employment.
- Report any work whether or not you have received pay for that work. Report any gross earnings before deductions (include all tips, room and meals).
- Report any change in your address.

If you have appealed a decision denying DUA benefits, you should continue to file

weekly claims for benefits until the appeal is decided. If the decision finds you eligible to receive DUA benefits, you will be paid only for those weeks for which you filed timely claims.

DUA BASE PERIOD

The most recent tax year that has ended will be considered as the base period to be utilized in computing a DUA weekly benefit amount (WBA).

DUA WEEKLY BENEFIT AMOUNT (WBA)

The computation of the WBA for DUA will be based on the net income on the most recent tax year that has ended. The state unemployment compensation (UC) formula will be used to compute the WBA and earnings allowance. All individuals who have worked full-time but have insufficient wages to compute a WBA or who are entitled to a DUA WBA less than 50 percent of the average weekly UC amount will be eligible for 50 percent of the average weekly UC amount.

EXTENDED BENEFITS

The Alabama Unemployment Compensation Law provides for extended benefits for claimants who have exhausted their benefits during periods of high unemployment. The Department will make public announcements to all news media of the beginning and ending dates of any extended benefits period.

EMPLOYER FILED CLAIMS

Your employer may file a partial claim for benefits for any given week that you worked and earned less than your weekly unemployment benefit amount. To be valid, your employer must file the partial claim after the end of the payable week, but within 14 days following the week claimed. If your employer does not file the partial claim for you within that time period, it is your responsibility to file your claim application by telephone.

PART FIVE:

FILING A CLAIM FOR UNEMPLOYMENT COMPENSATION

You may file your unemployment compensation claim by Internet (www.labor.alabama.gov), or by telephone through our Telephone Call Centers. If needed, telephones and computers are available for use at our Career Center locations.

FILING A CLAIM APPLICATION

Filing a claim application does one of the following:

1. Starts a new 52-week benefit year if you have never filed for unemployment before.
2. Starts a new 52-week benefit year if your benefit year from an earlier claim has ended.
3. Reactivates or reopens a benefit year that has not yet ended.

PREPARING FOR THE CLAIM

You should have the following information available when you file an initial claim application:

- 1. Your social security number;*
- 2. Your Driver's License or Alabama ID #;*
- 3. Your Alien Registration Card, if applicable;*
- 4. A list of names, complete addresses, and telephone numbers, and the beginning and end dates of employment for your last 2 employers;*
- 5. Information and related documents for any federal civilian employment, military service, or work performed in another state in the past 18 months;*
- 6. Your bank routing number and checking or savings account number, to have your unemployment payment deposited directly into your bank account.*

HOW TO FILE BY TELEPHONE

CALL 1-866-2-FILE UC

The above toll-free number, **866-234-5382**, is available for filing your claim. You should use a touch-tone telephone to file your claim. Using a cellular telephone is not recommended. If you do not have access to a touch-tone telephone, you may use a designated telephone at a local One Stop Career Center or Employment Service Office nearest you.

You will be asked a series of questions that will require you to answer by pressing numbers on your touch-tone telephone keypad. You may then be transferred to a claim specialist and/or given additional information to complete your claim.

For general information, inquiries and follow-up on previously filed claims, call the toll free *Call Center Inquiry Line, 800-361-4524, or go online to www.labor.alabama.gov.*

HOW LONG TO ESTABLISH A CLAIM?

It usually takes about two - three (2-3) weeks following the week you filed your claim to receive your first benefit payment, provided that you have followed all instructions, filed your weekly certifications as instructed, and have met all eligibility requirements. Failure to give complete and correct information will delay any benefits to which you may be entitled. Please keep this in mind whenever you are inquiring as to whether your first payment or future benefit payments have been issued.

PART SIX: WEEKLY CLAIM CERTIFICATIONS

You may file your weekly claim certifications either by Internet at www.labor.alabama.gov, or by using The Unemployment Compensation Division's touch-tone telephone voice response system. The weekly certification telephone number for your calling area will be provided to you when you file your claim. A complete list of local numbers is provided in this booklet.

The weekly certification system also allows you to have access to your account to obtain specific information about your benefit payments or to change your Personal Identification Number (PIN).

Weekly continued claim certifications may be filed Sunday through Friday.

NOTE: TO BE CONSIDERED TIMELY, YOU MUST FILE YOUR WEEKLY CERTIFICATION BY NO LATER THAN 5PM EACH FRIDAY.

FILING YOUR WEEKLY CERTIFICATION

To be eligible for payment, you must file claim certifications each week as instructed, even if the determination has not yet been made on your claim.

You will need your social security number and the Personal Identification Number (PIN) that you established when you filed your unemployment claim. If filing your

weekly certification via the Internet, a username will also be required. If you have forgotten your PIN, you must either successfully complete security questions on the Internet website, or call the Call Center Inquiry line for assistance.

Your PIN is your electronic signature. It is legally valid and enforceable and should not be shared with anyone! You may by law, be prosecuted for giving false information or answering questions for anyone other than yourself.

HOW TO FILE YOUR WEEKLY CERTIFICATION

When you file your certification for weekly benefits, you will be instructed to answer the questions truthfully.

When all the information has been entered and verified, you will be told that your certification has been accepted and is being processed. **You must wait for this response to insure that all your answers have been recorded.** If one or more of your answers is potentially disqualifying, you will be instructed to call the Call Center Inquiry Line for a fact-finding interview.

NOTE: Your electronic pin or your signature on an unemployment benefit check is legally valid and enforceable! It is written acknowledgment that you have given true and accurate information and understand that there are penalties for giving false information to obtain unemployment benefits.

If you choose to stop filing weekly claim certifications for any reason, your claim becomes inactive. When you make your weekly call and the system detects that your claim is inactive, you will receive a message informing you that you have a break in your claim series. If you fail to follow the instructions provided, it may result in a loss of benefits. If the system detects that you have failed to call for at least two weeks or more, you will be instructed to reopen your claim. Your claim will be reopened effective the week that you complete the reopened claim.

BENEFIT PAYMENT OPTIONS

Alabama provides two options for receiving unemployment benefit payments: Direct Deposit and Debit (Bank) Card. To have your unemployment benefit payment automatically deposited into your personal checking or savings account, you must have your bank routing number and checking or savings account number available when you file your unemployment claim. You can locate the nine digit bank routing number on the bottom left of your check.

When eligible for payment, funds are deposited into your debit card, checking or savings account within two business days. However, please note that your debit card will not be mailed to you until after your claim is determined eligible. This could delay receipt of your first debit card payment by an additional 7-10 days.

Specific information on debit card procedures will be mailed to you when you receive your card. Additional information can be located on our website at www.labor.alabama.gov. Debit card problems should be addressed to the debit card cardholder services line at 877-253-0757. Some associated fees are listed in this booklet.

WHAT TO DO IF YOU RETURN TO WORK

If you worked at all during the week for which you are filing, have the amount of your gross pay you received or will receive ready to enter. **You must report your earnings, before deductions, for the week, even if you have not yet been paid. Be sure to report your gross earnings and not your net pay.**

WHAT TO DO IF YOU MOVE OR GO OUT OF TOWN

If you have moved to another state, you must contact the claims line, 866-234-5382.

If you are away from Alabama temporarily, you may file your weekly claim certifications via Internet or by continuing to call the weekly Certification number previously given to you. Long distance charges may apply. You will still have to meet all eligibility requirements while out of town.

WHAT TO DO IF YOU RETURN TO WORK AND BECOME UNEMPLOYED AGAIN

You should reopen your claim as soon as you become unemployed, either via Internet at www.labor.alabama.gov or by calling the claims line at 866-234-5382.

Do not wait to receive your last paycheck. Remember. Your claim cannot be backdated. Your most recent employer will be notified that you have filed a claim for benefits and will be requested to provide information as to why you are no longer employed.

LOST OR STOLEN PAYMENTS

Lost or stolen debit cards should immediately be reported to the AL Vantage customer service line, 877-253-0757.

If you lose your check or if your check is stolen, you must call the ***Call Center Inquiry Line, 800-361-4524***, to file a report for a lost or stolen check. You must allow 14 days from the date the check was issued to file a report for a lost or stolen check.

PART SEVEN: FRAUD

To report fraud, call 1-800-392-8019

Fraud: Failure to report information that affects your eligibility for benefits; falsely reporting any information on your claim application or weekly claim certifications may be construed as an act of fraud. Any intentional misrepresentation or withholding of facts or information concerning your eligibility while claiming benefits constitutes fraud, whether or not benefits are received from the act.

PENALTIES FOR FRAUD

If either of the above situations is detected in the payment of unemployment benefits, a fraud determination may result from a review of your claim. A fraud determination may result in a fraud penalty assessment against your current or future unemployment compensation claim(s). The fraud penalty will be automatically deducted from your current and/or future maximum benefit amount(s).

Committing the act of unemployment fraud is punishable by prosecution from a Class B Felony to a Class A Misdemeanor. An arrest warrant may be issued against you. Each week claimed involving fraud shall constitute a separate offense. Upon conviction, you can be:

- 1. Sentenced to a maximum of not more than 20 years or less than 2 years in jail for each offense for a Class B Felony.**
- 2. Sentenced to a maximum of not more than 10 years or less than 1 year and 1 day for a Class C Felony.**
- 3. Sentenced to not more than one year for a Class A misdemeanor.**

The first offense of an act of fraud will result in a disqualification for a 52-week period, which will begin immediately following the final date of the fraud determination. In addition to the disqualification for the 52-week period you will

be required to pay the full amount of the fraud overpayment in cash before being able to file another claim. Each subsequent act determined as fraud will result in a disqualification for a period of 104-weeks, immediately following the final date of determination of fraud, and you shall be required to pay the fraud overpayment in cash before being able to file another claim. All overpayment balances that are classified as fraud will also have a minimum 15 percent penalty assessed against the balance and shall accumulate interest at the rate of two percent per month on unpaid balances and shall be added to the debt balance.

OVERPAYMENT OF BENEFITS

An overpayment can result if you are paid benefits and it is later determined, for any reason, that you did not qualify for those benefits. Failure to truthfully answer all questions on your claim, to report any gross income or deductible income, or to report any condition or situation that may make you unavailable for or unable to work can lead to an overpayment of benefits.

If it is determined that you were overpaid benefits, you will be notified by mail, through a Notice of Determination of Overpayment, which will indicate the amount of the overpayment and explained why you were overpaid.

The overpayment can be collected, by law, through offset of your weekly benefit payment(s) where not determined as fraud. In overpayments determined as fraud then offset of your state and/or federal income tax refunds can be intercepted to satisfy the overpayment as a cash payment. You may also repay the overpayment by voluntary repayment by personal check, money order, certified check, or a cashier's check made payable to the **Department of Labor**.

PLEASE DO NOT SEND CASH IN THE MAIL! ALWAYS WRITE YOUR SOCIAL SECURITY NUMBER ON YOUR CHECK OR MONEY ORDER!

If the overpayment cannot be paid in full, a repayment agreement can be arranged. All repayment agreements must be in writing. Mail your payments to the following address:

Alabama Department of Labor
Benefit Payment Control Section, Room 3675
649 Monroe Street
Montgomery, Alabama 36131
Phone: 334-956-4000

If you would like to make repayment arrangements or have any questions about your overpayment, you may contact the Benefit Payment Control Section at the

above number.

FRAUD DETECTION PRGRAMS

Alabama, as well as many other states, has several methods of detecting fraud and overpayments in the payment of unemployment benefits. These methods include:

1. Employer Wage Records.
2. Benefit Payment Audit of your claim.
3. Quality Assurance Audit of your claim.
4. Reports through the Fraud Hotline.
5. Reports through the State and National New Hire programs.

WAIVER OF REPAYMENT OF OVERPAYMENT

If an overpayment is no fault of yours, you may request that the repayment of your overpayment be waived by the Director. Requests for waiver questionnaires are reviewed by the Waiver Committee only after all appeal rights on your overpayment(s) have become final. You may request a waiver questionnaire by contacting the:

Alabama Department of Labor
Waiver Committee, Room 3675
649 Monroe Street
Montgomery, AL 36131
FAX: (334) 242-0967 OR Phone: (334) 956-4000

PART EIGHT: APPEALS

If you disagree with an examiner's determination, you may file an appeal to the Hearing and Appeals Division. This is your first level of administrative appeal. Appeal requests must be filed within 15 calendar days of the mailing date of the original decision or within 7 calendar days if the decision was handed to you in-person. If the last day to file falls on a weekend or a state holiday, the deadline to file an appeal will be the next working day after the weekend or holiday.

Appeal requests can be made by writing to:

Alabama Department of Labor
Hearing and Appeals Division, Room 4677
649 Monroe Street
Montgomery, Alabama 36131
FAX: (334) 242-2084

Your request must be signed. In the request, provide your social security number, and state the reason you do not agree with the decision that was made on your claim. Be certain that you mail or fax your request in order to be received by the 7th day if the decision was handed to you or the 15th day if mailed.

Either party to an appeal may be represented by any competent person of their choosing including an attorney, although an attorney is not required.

NOTE: It is important that you continue to file your weekly certifications by telephone during the appeals process, so that, if the decision is in your favor, you can be paid for eligible back weeks.

NOTICE OF HEARING

The telephone appeal hearing will be scheduled within a short time after your request for an appeal. You will receive a ***Notice of Unemployment Compensation Telephone Hearing*** in the mail informing you of the date, time, the issue(s) to be discussed, and the Hearing Officer's name.

Please read carefully and follow the instructions on the notice of hearing in order to participate in the hearing. You should read all information on the back of the hearing notice. If more than one party is involved, all parties will receive a notice.

HEARING PROCEDURE

The Hearings Officer has sole responsibility in conducting the hearing. Hearings are tape recorded by the Hearings Officer. No one other than the Hearings Officer may record the hearing. An oath will be administered prior to taking testimony.

EVIDENCE AND AFFIDAVITS

If you have documents supporting your case, mail or fax such evidence to the hearing officer. Mail or fax the hearing officer only evidence that is relevant to your appeal. If you or witnesses are unable to attend the hearing, an affidavit may be submitted. The affidavit should set forth all facts in chronological order, giving dates, places, and names. Affidavits must be received by the Hearings Officer before the hearing. Such affidavits carry less weight than testimony given under oath at the hearing.

ATTENDANCE OF WITNESSES AND SUBPOENAS

You must bring to the hearing only those individuals who have actual, direct personal knowledge of the facts concerning the case. If a witness refuses to appear voluntarily, you may request that the individual be subpoenaed.

Documents may also be subpoenaed. Requests for subpoenas should be made by contacting the Hearings and Appeals Division as far in advance of the hearing as possible to allow for preparation, mailing, and delivery. You must provide the Department with the address of the person you wish to subpoena.

THE APPEALS DECISION

The Hearings Officer will render a written decision and mail it to all interested parties within a reasonable time after the hearing. If you have questions about the hearing or the decision, you may contact the Hearings and Appeals Division.

If either party disagrees with the Hearing Officer's decision, an appeal may be filed to the Board of Appeals.

THE BOARD OF APPEALS

This is the second level of administrative appeal. The Board of Appeals is a three-member body appointed by the Governor. They conduct hearings only in Birmingham, Tuscaloosa, Dothan, Decatur, Gadsden, Mobile, and Montgomery. The Board of Appeals hearings are not conducted by telephone.

An appeal to the Board of Appeals must be received by the Board of Appeals within 15 calendar days after the mailing date of the Hearing Officer's decision. Your appeal should include your name, social security number, and state the reason you disagree with the decision made on your claim. Appeals to the Board can be made by writing to:

Alabama Department of Labor
Board of Appeals Office, Room 2206
649 Monroe Street
Montgomery, Alabama 36131
FAX 334-242-0539

The Board of Appeals may grant or deny your application for appeal. In order for the appeal to be granted, the request for appeal must be complete and address specific points that were not thoroughly covered in the appeal with the Hearings Officer. If your application for an appeal with the Board of Appeals is denied, you will be notified of the denial by certified mail. If your application for appeal is granted, the Board may decide the case based on the record or they may schedule a hearing. You will be notified of the time and place of the hearing. The decision of the Board of Appeals becomes final 10 days after the date the decision is mailed.

CIRCUIT COURT

If either party is dissatisfied with the decision of the Board of Appeals, they may file an appeal to the circuit court in the county of the claimant's residence. If you live out of the state of Alabama, you must file your appeal to the circuit court in the Alabama County in which you last worked or resided. You have 30 days from the date the decision of the Board of Appeals becomes final to appeal to the circuit court. Appealing to the circuit court does not require the services of an attorney. Decisions of the circuit court may be appealed to the Alabama Court of Civil Appeals.

PART NINE: EQUAL OPPORTUNITY IS THE LAW

It is against the law for the recipient of federal financial assistance to discriminate on the following basis:

- Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA Title I - financially assisted program or activity.

ADOL must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIA Title I - financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such program activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

If you think that you have been subjected to discrimination under a WIA Title I - financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with ADOL or with the Civil Rights Center (CRC).

Director
EEO and Grievance Division
Alabama Department of Labor (ADOL)
649 Monroe Street
Montgomery, Alabama 36131
Voice: (334) 242-8495
TTY: Dial 711 for Alabama Relay Service
Or
Director
Civil Rights Center (CRC)
U. S. Department of Labor
200 Constitution Avenue, NW, Room N-4123
Washington, D.C. 20210

If you file a complaint with the ADOL, you must wait either until ADOL issues a written ***Notice of Final Action***, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If ADOL does not give you a written *Notice of Final Action* within 90 days of the day on which you filed your complaint, you do not have to wait for ADOL to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with ADOL).

If the ADOL does give you a written *Notice of Final Action* on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the *Notice of Final Action*.

**WEEKLY CERTIFICATION NUMBERS
(Local Numbers and Locations)**

Birmingham	(205) 458-2282
Montgomery	(334) 954-4094
Not in a local area:	(800) 752-7389

(To file a weekly certification VIA THE INTERNET):
www.labor.alabama.gov

NOTE: The Waiting Week was implemented by legislation effective July 2008, as an unpaid period for all Unemployment Compensation recipients. In the 2012 Alabama legislative session the waiting week was moved from the 14th payable week to the 1st payable week for all new claims effective on or after August 1, 2012. Even though benefits cannot be paid for the waiting week, for it to count as a waiting week, it must meet the requirements to be payable and a weekly certification must be filed for that period. No funds are deducted from a claim for the waiting week.

DEBIT CARD FEES

The following types of fees may be charged against your AL Vantage Card account. A complete listing of all fees is included in your Cardholder Services Instructions and Fee Schedule that arrive with your debit card:

ATM — You are allowed one (1) no cost ATM cash withdrawal per deposit at any MoneyPass ATM each month. Additional withdrawals are assessed a fee of \$1.50 each month and for all ATM withdrawals at other bank ATMs. Some ATMs may also add a surcharge.

Bank Teller Withdrawals — No fee is assessed for cash withdrawals at MasterCard Member Bank teller windows.

Call Center Support Inquiries — No charge for the first eight (8) calls per month. An additional charge of \$0.35 per call applies after the eighth call during a month. (ALVantage Inquiry Line: 877-253-0757).

ATM Balance Inquiry — You are allowed one (1) free ATM balance inquiry each month only at MoneyPass ATM locations. A fee of \$0.40 is assessed thereafter, or at ATM locations other than MoneyPass.

ATM Denial — \$.50 per transaction.

<p>NOTE: You can access debit card information free of charge via Internet by going online to www.EPPICard.com.</p>
--

ALABAMA CAREER CENTER SYSTEMS LOCATIONS

To locate the address and telephone number of a local Career Center, go to www.joblink.alabama.gov and select from the list of “Career Centers”.

.....

HOURS OF OPERATION AND CONTACT INFORMATION:

.....
**TO FILE A NEW CLAIM APPLICATION
OR TO REOPEN AN EXISTING CLAIM:**

VIA THE INTERNET
www.labor.alabama.gov
SUNDAY-FRIDAY

TOLL FREE
866-2 FILE UC (866-234-5382)
7:00 AM - 4:30 PM CENTRAL TIME
MONDAY THROUGH FRIDAY
.....

**TO CALL THE CALL CENTER INQUIRY LINE (TO OBTAIN
INFORMATION, ASSISTANCE, OR TALK TO A CLAIMS SPECIALIST):**

TOLL FREE
800-361-4524
7:00 AM - 4:30 PM CENTRAL TIME
MONDAY THROUGH FRIDAY

DEBIT CARD CUSTOMER SERVICE LINE
(TO ACTIVATE A DEBIT CARD OR OBTAIN ASSISTANCE)
877-253-0757
Or
www.EPPICard.com
.....